Chapter 14.16 PARK AND OPEN SPACE DEDICATION

14.16.010. Purpose.

Recognizing that new residential development and redevelopment result in the addition of residents to the City that substantially increase usage of existing parks and require the establishment of both neighborhood and community sized parks, and that existing residents should not bear the entire burden of establishing the additional park and open space areas to meet the needs created by such increase in residential development, the City of Lakewood hereby adopts a Park and Open Space Dedication Code. Parkland dedication requirements, including fees in lieu and improvements in lieu of dedication, enable the City to require new developments to pay a proportionate share of the costs of accommodating park demand created by adding new residents to the City. This Parkland Dedication Code is not intended to limit innovation but rather to encourage the City, residential property developers and landowners to share the responsibility of innovatively meeting the park and open space needs of new residents without burdening existing residents with those costs or burdening the City with maintenance of many small sites.

14.16.010 Scope and application.

Each development containing residential land uses shall dedicate to the cityCity real property to serve as park sites and open space areas in accordance with the provisions of this titleCode. Except as otherwise provided in this sectionby this Code, at the discretion of the Director of Community Resources Director (Director), fees in lieu of parkland dedications improvements in lieu of parkland dedications shall be levied as set forth herein. Improvements in lieu may include, but shall not be limited to, plazas, play spaces, dog parks, community gardens, trail segments, and dedications to connectivity for parks and open spaces. The Director shall use current, adopted city planning documents including equity mapping tools, as a guide for determining park and recreation needs in proximity to association with the proposed development area.and identify land either on the site of the development or in the area of the development that could appropriately meet neighborhood needs, and provide a means for the developer to participate in supplying the community sized parks that will be needed by the residents of the development. The park and open space requirements in this Chapter 16 Code shall be interpreted to reasonably related to the needs of the residents of the proposed development subject to this parkland dedication requirement. All developments containing residential uses greater than 14.99 acres in size shall dedicate land in accordance with this Chapter 16 unless the City Council approves a fee in lieu alternative.

14.16.020 Park standards.

For purposes of this titleCode, the city's park standards shall be a minimum of ten and five-tenths (10.5) acres of park area per 1,000 one thousand calculated population. anticipated population within the proposed development. This standard of ten and five-tenths(10.5) acres per one thousand (1,000) population is composed of the following elements:

A. Five (5) acres per one thousand (1,000) population for regional parks;

B. Three (3) acres per one thousand (1,000) population for community parks;

C. Two and five-tenths (2.5) acres per one thousand (1,000)population for neighborhood parks.

14.16.030 Regional parks providedstandards met; Community and Neighborhood Park needs.

The City Council determines, as of the time of adoption of the ordinance codified in this chapter this Code, that the regional park needs of the residents of the City of Lakewood are satisfied by Bear Creek Lake Park, William Frederick Hayden Park, the Bear Creek Greenbelt, Jefferson County Jeffco Open Space Parks, and State of Colorado other regional parks to the west and south of the City of Lakewood. Therefore, a residential development shall not be obligated to dedicate land for regional park purposes in the City of Lakewood. Consequently, that theThe operating standard for dedication of parkland to meet the needs of the City for community parks and neighborhood parks shall be a total of five and five-tenths (5.5) acres of parkland per one thousand (1,000) population for community parks and neighborhood parkswhich can be met as provided within this Code.

14.16.040 Calculation of land dedication requirements for park and open space.

A. *Parkland Standard.* All residential developers shall provide a minimum of five and five-tenths (5.5) acres of park area per one thousand (1,000) anticipated population of such development. All or part of that dedication may be met through a fee or cash in lieu thereof, except for developments of 14.99 acres or greater where no fee-in-lieu option shall be applicable.and/or an improvement in lieu when such alternative dedications will more effectively meet the neighborhood or community parkland needs of the residents of the development as determined by the Director.

B. *Density Population Factor.* To provide an estimated and equitable population standard among different housing types, a density population factor (representing average number of persons within the unit type) shall be applied to the calculation as follows:

1. Single-family detached = 3.002.55
2. Single-family or multi-family attached = 1.501.68
3. Senior housing = 1.251.20

C. *Example calculation.*

Proposed development size: 10 acres

Proposed density: 10 units/acre, multi-family attached

Park and open space acreage required for both neighborhood and community parks:

10 development acres × 10 units/acre × 1.5 density1.68 population factor × 5.5 acres parkland/1000 people = .825.924 acres of total parkland required.

D. *Dwelling Unit Changes.* If an area is replatted prior to construction of the development, and the number of anticipated dwelling units increases or decreases by more than ten percent (10%), the developer shall be required to adjust either the amount of parkland dedicated consistent with the aforementioned provisions and formula or adjust the amount of cashpark or improvement fee in lieu thereof to provide for the change in units.

E. At the discretion of the Director, all or a portion of the a park dedication required to provide a neighborhood sized park or improvement in lieu may remain in private ownership, provided the privately owned park land or improvement in lieu is open to public use. Land held by a public entity, including a metropolitan district, is not privately owned. The land area that may remain in private ownership shall:

1. Not exceed an average slope of 4:1;Be subject to a parkland dedication agreement entered into by both the developer and the City, which shall run with the land, addressing maintenance, liability insurance, and other management concerns of the privately operated space and such agreement shall be filed with the Jefferson County, Colorado Clerk and Recorder prior to or at the time of completion of the plat or site plan;

2. Be privately maintained to meet reasonable health, safety and accesiblity standards; and

3. Be noted on development plans as a fulfillment of parkland dedication requirements and/or be in a public access easement.

14.16.050 Criteria for land eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will meet the requirement for dedication:

A. Land that is accessible from two separate locationsone (1) location by standard maintenance vehicles or from one location with a minimum 50-foot frontage;

B. Land or water bodies contiguous to other acceptable parkland or existing parkland;

C. Usable land within the 100-year floodway fringe that would not be inundated in a five-year storm; and

D. Special areas of natural, historical or cultural significance.

E. Public plazas, play spaces, dog parks, community gardens, trail segments, dedications to connectivity for parks and open spaces and other public spaces that are not required to fulfill other development regulations of the City.

The Director will develop criteria to further define usable land.

14.16.060 Criteria for land not eligible for park and open space use.

The following criteria will normally apply in determining what type and nature of land will not meet the requirement for dedication:

A. Land required by the city's zoning code for private open space;

B. Land used to fulfill requirements of the city's storm drainage ordinances, such as detention ponds, retention ponds or drainageways;

C. Rights-of-way and easements for irrigation ditches, laterals and aqueducts, power lines, pipelines or other public or private utilities without the written permission of the right-of-way owner; and

D. Hazardous geological land area,or mineral extraction areas and hazardous wildfire areas.

14.16.070 Procedure/fee determination.

A. All land dedications, and/or fee requirements in lieu of land dedications, for subdivisions and other residential development shall be met at the time of platting or, if platting is not required, at time of site plan approval. All requirements with respect to land dedication, fee in lieu, and/or improvement in lieu shall be satisfied in full prior to, or as part of, the approval of the final plat, final development plan, or site plan. No land dedication, fee, or improvement at the time of building permit issuance. The amount of the fee to be paid in lieu of land dedication shall be the fee in effect at the time of formal project submittal. The Director may delay the collection of fees to the time of building permit issuance. The amount of the fee to be paid shall be the fee in effect at the time payment is made.

B. The Director shall use current City planning documents including equity mapping tools, as a guide for determining park and recreation needs in association with the proposed development and identify land either on the site of the development or in the area of the development that could appropriately meet this need. If the Director determines that a land dedication in accordance with this chapter Code would not best serve the public interest park and recreation needs in association with the proposed development or the purpose of this Code as set forth above, the Director may require payment of a fee and/or improvement in

lieu of the dedication, or may require dedication of a smaller amount of land than would otherwise be required and payment of a fee in lieu of the portion not dedicated. The Director may also accept improvements of equal or greater value of the fee that would have been collected. The Director shall set the amount of the fee equal to the amount of the fair market value of the land that would otherwise be dedicated.to meet either the neighborhood parkland need, the community parkland need, or both

C. Any residential development or redevelopment project for which an initial calculation of parkland dedication meets or exceeds ten (10) acres shall be subject to review and approval by Resolution of the City Council. The Director shall provide a recommendation to the City Council for determining park and recreation needs in association with the proposed development, and how, in the Director's opinion, those needs might be most effectively met through either a parkland dedication, fee in lieu, improvement in lieu, or through a combination of those options

D. All improvements in lieu of land dedication shall be of equal or greater value to the fee in lieu that would have been assessed in lieu of parkland dedication

E. The City Council for the City of Lakewood shall establish by resolution the fee in lieu of land dedication for this Code on an annual basis that reflects market fluctuations using professional appraisals, market condition surveys, or other local property valuation tools. If substantial appraisal data is not available, the City Council may also rely upon the local Assessor's data, American Housing Data and other data metrics.

CF. Fees shall be payable to the City of Lakewood and shall be designated for the acquisition, development and/or development improvement of park, recreation, and open space land in the same planning district as shown in Section 14.16.090.to meet the needs of new residents to carry out the purpose of this Code as set forth above. Fees shall generally not be used for routine maintenance of park, recreation, and open space land. Fees may be combined with other funding sources to establish neighborhood and community parks and open spaces.

D. In those instances where the Director elects to require a fee-in-lieu of land dedication, the Director may, subject to City Council approval, waive all or a portion of the fee requirements for individual housing units set aside for households earning no more than 80 percent of the area median income (AMI) through recorded deed restriction for a minimum period of 20 years.

G. Accessory dwelling units are exempt from parkland dedication.

H. Replatting. No revision or amendment to an approved development plan or final plat pursuant to which the required land dedication has been previously proffered and accepted by the City shall create a credit in favor of, or reduce the land dedication requirements applicable to a developer , nor shall any such revision or amendment require the City to re-convey any portion of a previously accepted dedication, notwithstanding a decrease in the planned density of the development or any portion thereof. Further, no credit or refund for fees in lieu previously dedicated or paid shall be granted in the event a replat results in a decrease of residential density.

I. Non-residential properties converted to residential are required to meet the requirements of this Code at the time of formal submittal of an application for the conversion.

14.16.080 Site development standards—General.

A. Land that has been platted as public park and open space, or otherwise dedicated to the city, shall not be used in the development process of adjoining lands, except as stated in subsections (B), (C) and (D) of this section, or as reflected in an approved subdivision grading plan.

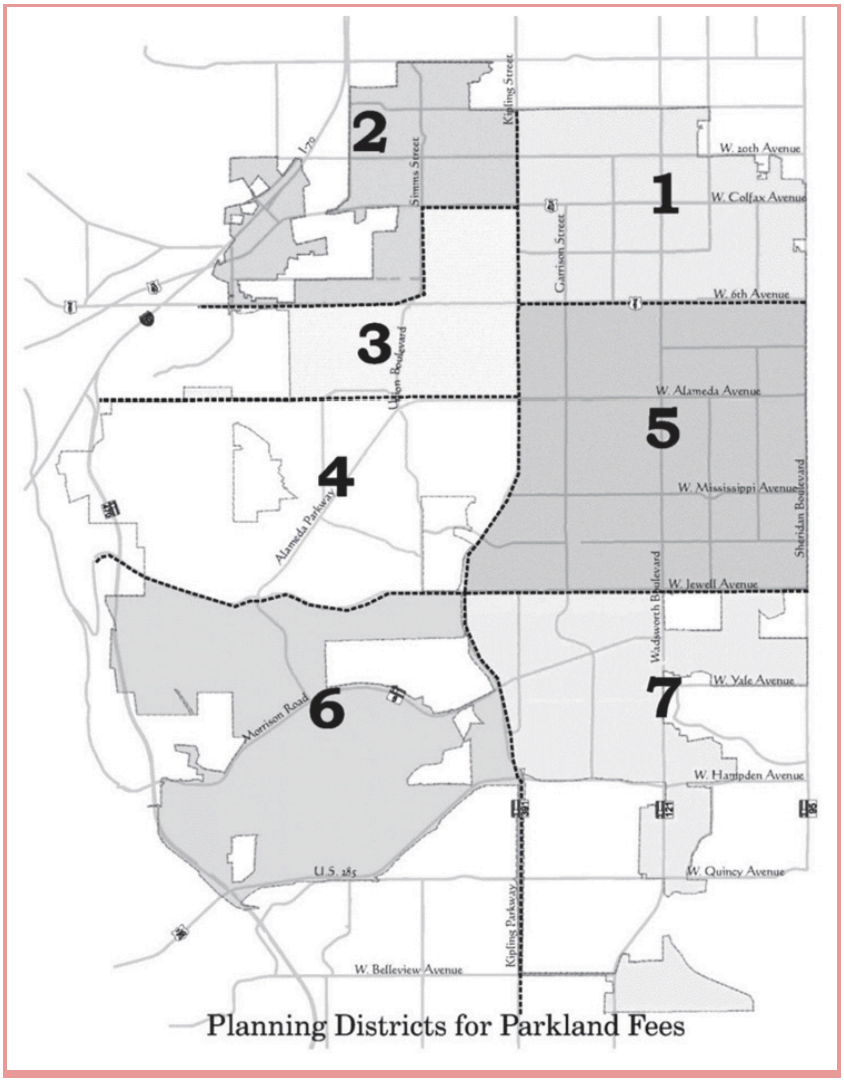
B. The developer shall be responsible for the installation of public improvements adjacent to the any park site or improvement in lieu established at the site of the residential development, including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Such

public improvements will normally be limited to two hundred ten (210) linear feet per acre of parkland. This requirement does not include park development or tap fees unless such improvements are part of an Improvement Agreement.

C. All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.

D. Sites Dedicated park and open space lands shall be made easily accessible to city maintenance equipment.

14.16.090 Planning area map.



14.16.100 Review.

This chapter shall be reviewed by City Council every five years, beginning five years after the effective date of Ordinance O-2018-4, and no later than December 31, 2023.

14.16.100. Planning districts aligned by ward; Collection and expenditure of parkland fees.

Beginning on April 1, 2025, the planning districts for parkland fees in lieu associated with neighborhood parks shall be designated as the City Council Ward of the applicable development. All fees in lieu collected for both community and neighborhood parks which were paid prior to April 1, 2025, shall be expended within the planning district associated with the development from which those funds were collected as those planning districts were defined at that time.

Fees collected in lieu of land dedication pursuant to this Code shall be expended as follows to create a variety of park and open space areas to meet the needs of the residents of the development for which the fees were paid.

A. Neighborhood Parks. Any fees collected for neighborhood parks in lieu of land dedication shall be expended within the ward of the development in order to benefit the residents of the development for which the fees were paid. There shall be a preference for land to be dedicated from the development site to meet the neighborhood park requirements if possible. In areas of the City that have been found to be underserved as to parkland and open space relative to the rest of the City, the Director shall prioritize to the greatest possible extent expending fees on the acquisition of new parkland and open space in those neighborhoods.

B. Community Parks. Any fees collected for community parks in lieu of land dedication may be expended anywhere within the City in order to create additional community sized parks to meet the additional parkland needs resulting from the increased population arising from the development for which the fees were paid, may only be expended outside the ward in which they are collected if they are being spent to place new community parkland in those areas of the City underserved by community parks. These fees may also be combined with other parkland funding sources as needed to meet community parkland needs as established by this Code.

With respect to expending fees collected for both neighborhood and community parks, the Director shall prioritize, to the greatest extent feasible, the acquisition, protection and preservation of ecologically sensitive habitats, and the preservation of native plants and species. The Director shall establish a transparent, user-friendly process for the public to provide input on where and how they would like to see these funds expended and prioritized. The Director shall provide an annual detailed report to the City Council and the public regarding how and why these fees were expended, and said report shall be prominently posted for the public's review and feedback

14.16.110 Affordable/Income-Restricted Housing.

The provisions of the Code shall be waived or modify the provisions of this Code to support the development of affordable or income-restricted housing units, and shall seek alternative funding sources to provide the residents of such development equal access to neighborhood and community parks and open spaces. This subsection shall apply to any residential development that is considered affordable pursuant to the metrics outlined in Proposition 123 (C.R.S. § 29-32-101(2)), with such income restrictions documented through recorded deed restriction for a minimum period of twenty (20) years.